

JAMES R. WILLIAMS, County Counsel (S.B. #271253)
 ARYN PAIGE HARRIS, Deputy County Counsel (S.B. #208590)
 OFFICE OF THE COUNTY COUNSEL
 70 West Hedding Street, East Wing, Ninth Floor
 San Jose, California 95110-1770
 Telephone: (408) 299-5900
 Facsimile: (408) 292-7240

Attorneys for Defendant
 COUNTY OF SANTA CLARA

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 (SAN JOSÉ)

FERNANDO LOPEZ, SR., individually and as
 successor-in-interest to Decedent ISAI LOPEZ;
 MARIA ESCOBEDO RAMIREZ, individually
 and as successor-in-interest to Decedent ISAI
 LOPEZ,

Plaintiffs,

v.

COUNTY OF SANTA CLARA, a municipal
 corporation; and DOES 1-50, inclusive,

Defendants.

No. 19-CV-02639 EJD

**JOINT CASE MANAGEMENT
 STATEMENT AND [PROPOSED] ORDER**

Date: October 3, 2019
 Time: 10:00 a.m.
 Dept: 4, 5th floor
 Judge: Edward J. Davila

The parties to the above-entitled action jointly submit this JOINT CASE MANAGEMENT
 STATEMENT & PROPOSED ORDER pursuant to the [Standing Order for All Judges of the
 Northern District of California](#) and [Civil Local Rule 16-9](#).

1. Jurisdiction & Service

The parties agree that the Court has subject matter jurisdiction over this matter because
 plaintiff alleges a violation of 42 U.S.C. § 1983. There are no issues regarding personal jurisdiction
 or venue. All named parties have been served and answered.

///

///

2. Facts

1 *a. Plaintiffs' Allegations*

2 Plaintiffs Fernando Lopez, Sr. and Maria Escobedo Ramirez are the parents of Isai Lopez. In
3 September of 2018, Isai Lopez was being held in the Santa Clara County jail for failure to appear.
4 Plaintiffs allege that on or about October 11, 2018, they were informed by another inmate that their
5 son, Isai Lopez, was attacked and beaten by yet-to-be identified Santa Clara deputies without cause.
6 The next day, October 12, 2018, Isai Lopez spoke with his mother and informed her that deputies
7 had broken his nose.

8 On October 14, 2018, another inmate contacted Isai Lopez's family to advise them that he
9 witnessed deputies beat Isai Lopez unconscious and then dragged his body out of the cell. Plaintiffs
10 further allege that shortly after this incident the jail was placed on lockdown and Isai Lopez was
11 found dead in his cell.

12 *b. Defendants' Position*

13 On October 14, 2018, Isai Lopez committed suicide in his cell. The County has confirmatory
14 videotape footage unequivocally ruling out foul play. The Medical Examiner-Coroner opined the
15 cause of death was hanging, and the manner of death was suicide. On February 19, 2019, the Office
16 of the District Attorney issued a report on its investigation and likewise opined that Isai Lopez died
17 by suicide on October 14, 2018.

18 3. Legal Issues

19 The parties do not dispute that 42 U.S.C. §1983 permits a claim for excessive use of force
20 (first cause of action); failure to provide medical care (second cause of action); municipal liability
21 (third cause of action), and violation of familial relationships (seventh cause of action). However,
22 Defendant disputes that there exists factual support for any of these claims.

23 The parties do not dispute that the fourth cause of action pursuant to Bane Act (Cal. Civ.
24 Code § 52.1) permits a claim but Defendant disputes that facts exist to support this claim. Defendant
25 disputes that the fifth cause of action pursuant to California Penal Code § 242 and the sixth cause of
26 action for negligence permits a claim against the County as an entity. (See Government Code
27 section 815.)

28 ///

1 4. Motions

2 There are no pending motions, however, Plaintiffs may file a motion for leave to amend the
3 complaint's facts and include new causes of action based on discovery. . Defendant will likely file a
4 motion for summary judgment.

5 5. Amendment of Pleadings

6 Plaintiffs may file a motion for leave to amend the complaint's facts and include new causes
7 of action based on discovery.

8 6. Evidence Preservation

9 The parties have reviewed the Guidelines Relating to the Discovery of Electronically Stored
10 Information ("ESI Guidelines"), and confirm that the parties have met and conferred pursuant to
11 Fed. R. Civ. P. 26(f) regarding reasonable and proportionate steps taken to preserve evidence
12 relevant to the issues reasonably evident in this action. See ESI Guidelines 2.01 and 2.02, and
13 Checklist for ESI Meet and Confer.

14 7. Disclosures

15 The parties will comply with the initial disclosure requirements of Fed. R. Civ. P. 26.
16 Plaintiffs served their Initial Disclosures on August 7, 2019 and Defendants did so on August 7,
17 2019.

18 8. Discovery

19 The parties have not completed any discovery. The parties anticipate that they will conduct
20 fact discovery (interrogatories, request for production) and depositions.

21 Plaintiff intends to propound discovery within the Court's scheduled timeline including but
22 not limited to written discovery for police reports, policies, witness statements related to the incident
23 and depositions of the yet-to-be-identified Defendant deputies, the personnel files of involved
24 officers, third party witnesses and any expert witnesses including a police practices expert and
25 medical expert.

26 Defendant will likely take the depositions of inmates and plaintiffs. The Parties anticipate that
27 discovery can occur pursuant to the Federal Rules of Civil Procedure.

28 9. Related Cases

1 *Not applicable.*

2 10. Relief

3 *All relief sought through complaint or counterclaim, including the amount of any damages*
 4 *sought and a description of the bases on which damages are calculated. In addition, any party from*
 5 *whom damages are sought must describe the bases on which it contends damages should be*
 6 *calculated if liability is established.*

7 11. Settlement and ADR

8 Defendant is not open to a settlement conference or ADR considering the false allegations.

9 Plaintiff is open to Settlement Conference and would prefer a Magistrate Judge.

10 12. Consent to Magistrate Judge for All Purposes

11 Defendant declined the magistrate assignment.

12 13. Other References

13 This case is not suitable for reference to binding arbitration, a special master, or the Judicial
 14 Panel on Multidistrict Litigation.

15 14. Narrowing of Issues

16 Defendant believes that the case could be narrowed after defendant produces video footage
 17 and other documents discrediting the allegations.

18 15. Expedited Trial Procedure

19 The Parties do not believe this case is appropriate for handling under the Expedited Trial
 20 Procedure.

21 16. Scheduling

22 The Parties proposed the following schedule:

23

24 Plaintiff proposes the following schedule:

25

Activity	Proposed Date
Fact Discovery cutoff	September 30, 2020
Expert Disclosures	October 30, 2020

28

1	Rebuttal Expert Disclosure	November 30, 2020
2	Expert Discovery Cutoff	December 15, 2020
3	Last Day to File Dispositive Motions	December 18, 2020
4	Dispositive Motion Hearing	March 18, 2021 at 1:30 PM
5	PreTrial Conference	May 4, 2021 at 2:30 PM
6	Trial	May 17, 2021

7
8 *Proposed dates for completion of initial ADR session, designation of experts, discovery cutoff,*
9 *hearing of dispositive motions, pretrial conference and trial.*

10 17. Trial

11 Plaintiff anticipates 7-10 days for trial.

12 The case will be tried to a jury and the expected length of the trial is anticipated to be five (5) days.

13 18. Disclosure of Non-Party Interested Entities or Persons

14 The County has filed the “Certification of Interest Entities or Persons” required by Civil
15 Local Rule 3-15. The County certifies that no such interest is known other than that of the named
16 parties to the action.

17 Nonapplicable to Plaintiff.

18 19. Professional Conduct

19 The parties have reviewed the Guidelines for Professional Conduct for the Northern District
20 of California.

21 20. Other

22 *None.*

23 Dated: _____

Respectfully submitted,

LAW OFFICES OF JOHN L. BURRIS

26 By: /s/
PATRICK M. BUELNA

27 Attorneys for Plaintiffs
28 FERNANDO LOPEZ, SR., et al.

1 Dated: _____

Respectfully submitted,

2 JAMES R. WILLIAMS
County Counsel

3
4 By: _____/s/
5 ARYN PAIGE HARRIS
Deputy County Counsel

6 Attorneys for Defendant
COUNTY OF SANTA CLARA

7
8 CASE MANAGEMENT ORDER

9 The above JOINT CASE MANAGEMENT STATEMENT & PROPOSED ORDER is
10 approved as the Case Management Order for this case and all parties shall comply with its
11 provisions. [In addition, the Court makes the further orders stated below:]

12
13
14
15 **IT IS SO ORDERED.**

16
17 Dated: _____

U.S. District Court Judge

18
19
20 2056739